

SPEECH OF THE HON. RUSSELL
SAGE ON THE PROFESSIONS AND
ACTS OF THE PRESIDENT OF THE
UNITED STATES...

1856



SPEECH OF HON. RUSSELL SAGE, OF NEW YORK,

*On the Professions and Acts of the President of the United States;
the Repeal of the Missouri Compromise; the Outrages in Kansas;
and the Sectional Influence and Aggressions of the Slave Power.*

DELIVERED IN THE HOUSE OF REPRESENTATIVES, AUGUST 6, 1856.

Mr. CHAIRMAN: When I took my seat here in December, 1853, I found a new Administration in power, having been elected by one of the largest popular votes ever given to any previous one. It had over two-thirds of its friends in the Senate and in this House. It received this power by professions and pledges of adherence to the compromises of the past, and opposition to the agitation of the question of Slavery in the future. The country was in an unprecedented state of prosperity. Our foreign and domestic affairs were of the most pacific character; but in less than two months a change commenced, and instead of peace and quiet reigning, as had been promised, the fire-brand of Slavery and sectionalism was introduced into the Senate of the United States by the Senator from Illinois, [Mr. DOUGLAS;] and the unfortunate bitter and sectional results that have followed it, is the subject which I propose to discuss during the time allotted to me this evening, in the following order, namely:

ITS CAUSES.—ITS OBJECTS.—ITS RESULTS.—ITS INFLUENCE AND REMEDY.

First, its cause was owing to the departure from the professions and pledges made prior to and at the commencement of the present Administration. It is a historical fact, that during the long and exciting session of the Congress of 1850, certain Senators and Representatives, then in Congress, got up a Congressional pledge, for the purpose of forever stopping the agitation of the subject of Slavery and of saving the Union, and that the present Administration came into power on the professions and pledge of adherence to and support of this Congressional pledge and the Compromise Measures of 1850.

Mr. Chairman, in order that we may fully realize the fidelity of this Administration in its professions and pledges, I beg to read this memorable document, that the country may judge of the difference between professions and acts:

Declaration and Pledge.

"The undersigned, members of the Thirty-first Congress of the United States, believing that a renewal of sectional controversy upon the subject of Slavery would be both dangerous to the Union and destructive to its objects,

and seeing no mode by which such controversies can be avoided, except by strict adherence to the settlement thereof, effected by the Compromise passed at the last session of Congress, do hereby declare their intention to maintain the same settlement inviolate, and to resist all attempts to repeal or alter the acts aforesaid, unless by general consent of the friends of the measure, and to remedy such evils, if any, as time and experience may develop. And for the purpose of making this resolution effective, they further declare that they will not support for the office of President or Vice President, or of Senator or of Representative in Congress, or as member of a State Legislature, any man, of whatever party, who is not known to be opposed to the disturbance of the sentiment aforesaid, and to the renewal, in any form, of agitation upon the subject of Slavery hereafter.

Henry Clay,
C. S. Morehead,
Robert L. Rose,
William C. Dawson,
Thomas J. Rusk,
Jeremiah Clemens,
James Cooper,
Thomas G. Pratt,
William M. Gwin,
Samuel A. Elliott,
David Outlaw,
C. H. Williams,
J. Rhelph Phoenix,
A. U. Schermerhorn,
John R. Thurman,
D. A. Bokee,
George R. Andrews,
W. P. Mangum,
Jeremiah Morton,
R. J. Bowie,
E. C. Cabell,
Alexander Evans,
Howell Cobb,
H. S. Foot,
William Duer,
James Brooks,
A. H. Stephens,
R. Toombs,
M. P. Gentry,
H. W. Hilliard,
F. G. McLean,
A. G. Watkins,
H. A. Bullard,
T. S. Hammond,
A. H. Sheppard,
Edmond Deberry,
H. Marshall,
Daniel Breck,
James L. Johnson,
J. B. Thompson,
J. M. Anderson,
John B. Kerr,
J. P. Caldwell,
Allen F. Owen."

Now, sir, remember the distinguished men who signed it, the phraseology used, and the warning made in it, "That a renewal of sectional controversy upon the subject of Slavery would be both dangerous to the Union and destructive to its objects;" and yet, Mr. Chairman, before the short space of four years has elapsed, some of the very men who had signed this celebrated pledge were open and violent in denouncing the North, and urging the passage of the Kansas and Nebraska bill, repealing the Missouri Compromise Act.

But, sir, before I speak more specifically respecting the repeal of this time-honored act, I wish to call attention to the declaration of the President of the United States, as contained in his first annual message to Congress, in December, 1853, in which he says:

"It is no part of my purpose to give prominence to any subject which may properly be regarded as set at rest by the deliberate judgment of the people. But while the present is bright with promise, and the future full of demand and inducement for the exercise of active intelligence, the past can never be without useful lessons of admonition and instruction. If its dangers serve not as beacons, they will evidently fail to fulfil the object of a wise design. *When the grave shall have closed over all who are now endeavoring to meet the obligations of duty, the year 1850 will be recurred to as a period filled with anxious apprehension.* A successful war had just terminated; peace brought with it a vast augmentation of territory, disturbing questions arose, bearing upon the domestic institutions of one portion of the Confederacy, involving the constitutional rights of the States. But, notwithstanding differences of opinion and sentiment which then existed, in relation to details and specific provisions, the acquiescence of distinguished citizens, whose devotion to the Union can never be doubted, has given renewed vigor to our institutions, and restored a sense of repose and security to the public mind throughout the Confederacy. THAT THIS REPOSE IS TO SUFFER NO SHOCK DURING MY OFFICIAL TERM, IF I HAVE POWER TO AVERT IT, THOSE WHO PLACED ME HERE MAY BE ASSURED. THERE IS NO CONDEMNATION WHICH THE VOICE OF FREEDOM WILL NOT PRONOUNCE UPON US, SHOULD WE PROVE FAITHLESS TO THIS GREAT TRUST."

Oh! sir, if these patriotic declarations had been adhered to, how much of bitter sectionalism would have been averted! how many peaceful and happy homes would have been saved! how much of human suffering prevented!—and, Oh! sir, how many precious lives would have been saved. But, alas! truth compels me to declare, that it was but a deceptive declaration—a figure of rhetoric.

Now, Mr. Chairman, having shown what the professions of the leading men of the South were, and the present Administration in particular, I proceed to consider the CAUSES which have led to the present deplorable state of things throughout the length and breadth of the country; and I charge that it is owing to the violation of the declarations and pledges to which I have referred, in the re-opening of the Slavery agitation in 1854, by the repeal of the time-honored compact known as the "Missouri Compromise Act," from which all of the present domestic troubles have arisen, and has well-nigh seriously strained the stability of the Union.

In January, 1854, a bill was introduced into the United States Senate, by the Senator from Illinois, [Mr. DOUGLAS,] providing for the organization of the Territories of Kansas and Nebraska, but it did not provide for the repeal of the Missouri restriction; consequently, it was recommitted to the Committee on Territories, and the wishes of the South complied with, and an outrage perpetrated towards the free North, that will never be forgotten, even if it should ever be forgiven, because it was conceived in political bad faith and repudiation, and consummated by political intrigue, corruption, and partisan rewards. When this bill, establishing the Territorial Governments of Kansas and Nebraska, was passed, it was enacted that they should, when admitted as States, be admitted "with or without Slavery, as their Constitutions should provide." But this was not enough for the slaveholding States, and therefore the Missouri Compromise, which forbids Slavery forever north of 36° 30' north latitude; that time-honored compact, that bill of repose, for which the slaveholding States had received and secured forever their consideration; that bill which was

a Southern measure, passed by Southern votes, and claimed as a Southern victory; that bill which was forced by the South on the North.

But, sir, although the North—wrongs, as she felt herself to be, by its passage—respected it and acquiesced in it, still the South, with their few doughfaced allies at the North, repealed it, after it had been sanctioned for a period of over thirty years; and this, too, be it remembered, without there being a single petition presented to Congress, asking for it, while public meetings were held throughout the country, denouncing the measure, and thousands and tens and hundreds of thousands of citizens remonstrated, in the most urgent manner, against its repeal; but it was all in vain; and then came the novel experiment of submitting the subject to the people who should come into the Territory. This was done to admit Slavery into the Territory, which that Compromise forbids; and if the North ever submits to its introduction, she will deserve to bear all the reproaches that the South heaps upon her. But of this I have no fear. While the people of the free States are not easily aroused at trifling things, yet, when repudiation of plighted faith stalks abroad, and the black flag of Slavery hovers over the Territories once dedicated to Freedom by a solemn compact, and the thoughts of the oppression and degradation that follow in the train of this social and political curse, the free men of the free North, and free men from all climes, and all time to come, will arise and drive back the lawless invaders and their Border Ruffian army, and erect the star-spangled banner—that emblem of Freedom—where all men may go and partake of the benefits of our free institutions, as provided for by our forefathers, and in accordance with the letter, spirit, and intent of the Missouri Compromise Act. Well, sir, this breach of faith in the repeal of the Missouri Act was effected by making another plight of faith; that is, by providing that the settlers of Kansas "should be perfectly free to form and regulate their domestic institutions in their own way."

On the strength of this last clause, and relying on the fidelity of the Government of the United States, many people from the different States of the Union emigrated to and settled in Kansas; and what has been the result? Has the Executive or Congress kept their promise and executed that law? No, sir; it has not been done; the facts disclosed by the report of the special committee sent to Kansas establish the fact, that, of the 6,331 votes cast in March, 1855, for the election of the Legislative Assembly of Kansas, 4,921 of them were cast by armed bands of the inhabitants of Missouri, who invaded Kansas for that purpose, on that occasion; that only 1,410 legal votes were cast, and a majority of those were for the Free State candidate, though most of the Free State voters were driven from the polls. This invasion extended to all the Council districts, and to all the Representative districts but one, and elected and controlled a large majority of both Houses. The people in the Territory have not been left free, but have had their homes invaded and subjugated; and they are, and their institutions have been, controlled by

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the people of Missouri, the arms of that State have been used against the Free State emigrants going to Kansas, by the tyrannical laws passed by that Assembly, and more tyrannically enforced by the officers by them appointed. The President of the United States has aided to enforce these laws, passed by usurpation and fraud. The complaints and appeals of the people in said Territory have been made in vain; their representations have been treated with indifference and neglect; the property of the Free State people has been destroyed and stolen; their buildings have been burnt; their printing offices have been suppressed, to prevent their making known the oppression, crimes, and atrocities, under which they were subjected; the people have been hunted out, they have been hung, they have been murdered; their cattle killed in their presence; they have been warned out, one after another, to leave the Territory; they have been driven out of the Territory, by violence, in large numbers. Yes, Mr. Chairman, you may find them fleeing from the midnight blaze of their own dwellings. You may find their bones bleaching on the green fields of this new country. You may find them driven off to a returnless distance from their country and their homes. You may find some of them here, at the capital of the nation, this very day, who have been indicted, by this mockery of justice in Kansas, for constructive treason, imploring the Executive and beseeching Congress to do something, so that they may be allowed to have a fair and impartial trial, by a change of place of trial to St. Louis, or any other place, except in Kansas, where there is not the first principle of justice administered towards Free State men. They ask this, that they may be tried, and then return to their homes in Kansas. Well, sir, up to this time, no measure, except in this House, has been instituted to ferret out the wrong under which the Free State people in Kansas have suffered; and, in my humble opinion, but for the sending out of the committee from this House, civil war would be now raging beyond the limits of the oppressed and outraged infant Territory of Kansas, and more bloody scenes would have been enacted outside than in said Territory. Fortunately, however, for humanity's sake, a majority of this House were true to the great principle at the formation of this Republic, which was to establish LIBERTY AND EQUALITY.

Mr. Chairman, the people of Kansas, thus oppressed and subjugated, have appealed to Congress for relief; they have complained and struggled in vain. They have done as the people of the Territory of Michigan and California have done before them; that is, formed a State Constitution, inviting all to participate therein, and presented the same to Congress for admission; but all such attempts have but brought down on them the reproach of being traitors, and subverters of authority, and, in the language of the Senate's report:

12-15-57

"Abandoned to their oppressors, the Free State people of Kansas have been pursued by them in the same spirit which made the invasion. The acts of said Assembly have by their officers been made the color for all forms of political persecution and oppression. Indictments for constructive treasons and pretended nuisances deprive

them of liberty and destroy their property. Under the form of sheriff's posse, armed bands of people from without the Territory prowl over it, and take and destroy property and lives, and intimidate and drive off the Free State people. These people have thus, for several months past, been harassed and scattered, and any attempt at self-defence has been repressed by the Army of the United States, or been declared *constructive treason*, and treated accordingly. The settlers have thus, in large numbers, been driven from their settlements, and from the Territory. This is but a brief and feeble statement of the facts. A full picture of the public atrocities and private violence which have been committed with impunity upon the Free State people of Kansas, would excite and arouse the deepest sentiment of indignation.

"It would seem to be demanded by a sense of common justice, and by what this nation owes as well to the cause of truth as to its own character and self-respect, that inquiry should be made, and usurpation be subdued, and the public faith be redeemed by redressing all the wrongs produced by such means. This is not proposed, nor is the law of repose to be restored, or the Constitution already formed to be allowed.

"But, instead of this, it is now proposed to consummate the whole, by leaving usurpation in possession of its power, and provide no security for those they imprison, oppress, and disperse, but provide that those *now* there, and those only, shall determine the definitive condition of that Territory, by now forming a State Constitution. This is but to encourage violence by rewarding it with success; that any result of such an experiment will produce definitive national peace and satisfaction, is to suppose the people of this country blind to the power of ordinary discernment, or lost to every sentiment of justice and humanity."

This, Mr. Chairman, is a brief historical statement of the acts of outrage, violence, and crime that the poor unfortunate Free State people in Kansas have been compelled to submit to.

Having thus spoken of the causes of the present crisis in domestic affairs, I proceed to consider the contemplated objects to be attained by the repeal of the "Missouri Compromise Act," which I believe to be THE EXTENSION OF HUMAN SLAVERY INTO KANSAS AND NEBRASKA.

Down to the period of the commencement of the first Congress under General Taylor's Administration, when a small number of Representatives from the South, led by two Representatives from Georgia, [TOOMBS and STEPHENS,] defeated the re-election of Hon. Robert C. Winthrop as Speaker of this House, because he would not commit himself by a pledge on the subject of Slavery, such as no honorable man could give, the principles of the Missouri restriction had been voted for or approved of by most of the eminent and leading statesmen at the South. Even President Polk had approved of it, in the act organizing the Territory of Oregon. But from this period a new doctrine was proclaimed in behalf of the right of the Slave Power to extend Slavery into any of the Territories of the United States, on the ground of its existence prior to the adoption of the Constitution; and therefore it is claimed that Slavery is not dependent upon or subject to any of the provisions of the Constitution. Well, sir, this is a little ahead of any higher law that I know of. I believe we have power over the subject of Slavery in the Territories. So thought and so acted the Congress, in 1820, when the South passed the "Missouri Compromise Act," and when Charles Pinckney wrote the following letter, rejoicing over the result of its passage:

CONGRESS HALL, March 2, 1820,

"3 o'clock at night.

"DEAR SIR: I hasten to inform you that this moment we have carried the question to admit Missouri, and all Louisiana to the southward of 36° 30', free of the restric-

tion of Slavery, and give the South, in a short time, an addition of six, perhaps eight, members to the Senate of the United States. It is considered here by the slaveholding States as a great triumph. * * *

"With respect, your obedient servant,

"CHARLES PINCKNEY."

So thought the Congress of 1784, whose powers on this subject, under the Articles of Confederation, were no greater than those of Congress under the Constitution, when Thomas Jefferson, from the committee appointed to prepare a plan for the temporary government of the Western Territory, introduced the following resolutions, which were adopted:

"That the settlers within the territory so to be purchased and offered for sale, shall, either on their own petition, or on the order of Congress, receive authority from them, with appointments of time and place, for their free males of full age to meet together for the purpose of establishing a temporary Government, to adopt the Constitution and laws of any one of these States, so that such laws nevertheless shall be subject to alteration by their ordinary Legislature, and to erect, subject to a like alteration, counties or townships for the election of members for their Legislature.

"That such temporary Government shall only continue in force in any State until it shall have acquired twenty thousand free inhabitants, when, giving due proof thereof to Congress, they shall receive from them authority, with appointments of time and place, to call a convention of representatives to establish a permanent Constitution and Government for themselves: *Provided*, That both the temporary and permanent Governments be established on these principles as their basis:

"1. That they shall forever remain a part of the United States of America.

"2. That in their persons, property, and territory, they shall be subject to the Government of the United States in Congress assembled, and to the Articles of Confederation, in all those cases in which the original States shall be so subject.

"3. That they shall be subject to pay a part of the Federal debts contracted, or to be contracted, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States.

"4. That their respective Governments shall be in republican forms, and shall admit no person to be a citizen who holds any hereditary title.

"5. That after the year 1800 of the Christian era, there shall be neither Slavery nor involuntary servitude in any of the said States, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty."

This, Mr. Chairman, was Thomas Jefferson's view of the power of Congress over the subject of Slavery in 1784, not only in the Territories, but in the States to be formed out of the Territories. So thought the Congress in 1787, when the Ordinance of that date was adopted, excluding Slavery from the Northwestern Territory. So thought the Congress of 1789, under the Constitution, who recognised and confirmed the Ordinance of 1787, which was approved by George Washington. So thought the Congress of 1800, who passed an act establishing a Territorial Government over the Territory of Indiana, which was approved by John Adams. So thought the Congress of 1805, in their act establishing a Territorial Government over Michigan. So thought the Congress of 1809, in their act establishing a Territorial Government over Illinois; both of which last-named acts were approved by Thomas Jefferson. So thought the Congress of 1834, in extending the jurisdiction of Michigan over Wisconsin and Iowa, which was approved by Andrew Jackson. So thought the Congresses of 1836 and of 1838, in their

acts establishing Territorial Governments over Wisconsin and Iowa, which were approved by Martin Van Buren. So thought the Congress of 1848, in their act establishing a Territorial Government over Oregon, which was approved by James K. Polk—Mr. Buchanan being a member of his Cabinet. So thought the Congress of 1853, in their act establishing a Territorial Government over the Territory of Washington, approved by Millard Fillmore. In all of the aforementioned acts, the Slavery restriction or proviso of 1787 was incorporated, and Slavery expressly prohibited. So thought Mr. Webster in 1850, when he said "that these Compromises (1850) comprehend every inch of territory not disposed of by previous legislation." So thought the court, in the case of *Jones vs. Van Zandt*, 2 McLean's Reports, 596. The court says:

"Slavery exists only by virtue of the laws of the States where it is sanctioned; and if a slave escape from such State to a free State, he is *free*, according to the principles of the common law; and recapture in a free State is authorized only by the Constitution and act of Congress. There is no general principle in the *law of nations* which requires such surrender."

So thought the court in deciding the celebrated case of *Prigg vs. the State of Pennsylvania*, 16 Peters, 540. The court lays down these propositions:

"By the *law of nations*, no State is bound to recognise Slavery in another State. It is a matter of comity, and not a matter of international right. The state of Slavery is deemed to be a mere *municipal regulation*, founded upon, and limited to, the range of the territorial laws."

So thought ex-President Fillmore when he wrote the following letter, although he now sustains a very different opinion:

"BUFFALO, October 17, 1839.

"Sir: Your communication of the 13th instant, as chairman of the committee appointed by the Anti-Slavery Society of the county of Erie, has just come to hand. You solicit my answer to the following interrogatories:

"I. Do you believe that petitions to Congress on the subject of Slavery and the slave trade ought to be received, read, and respectfully considered, by the Representatives of the people?

"II. Are you opposed to the annexation of Texas to this Union, under any circumstances, so long as slaves are held therein?

"III. Are you in favor of Congress exercising all the constitutional powers it possesses to abolish the internal slave trade between the States?

"IV. Are you in favor of immediate legislation for the abolition of Slavery in the District of Columbia?

"Answer: I am much engaged, and have no time to enter into an argument or explain at length my reasons for my opinions. I shall therefore content myself, for the present, by answering all your interrogatories in the affirmative, and leave for some future occasion a more extended discussion on the subject.

"MILLARD FILLMORE."

So thought ex-Chief Justice Greene C. Bronson, of New York, one of the most distinguished jurists in the country, and a leading Democrat of the Hard school. In a letter dated July 15, 1848, after declining an invitation to attend a political meeting, he says:

"Slavery cannot exist, where there is no positive law to uphold it. It is not necessary that it should be forbidden; it is enough that it is not specially authorized. If the owner of slaves removes with or sends them into any country, State, or Territory, where Slavery does not exist by law, they will, from that moment, become free men, and will have as good a right to command the master, as he will have to command them. State laws have no extra-territorial authority; and a law of Virginia, which makes a man a slave there, cannot make him a

slave in New York, nor beyond the Rocky Mountains.

"Entertaining no doubt upon that question, I can see no occasion for asking Congress to legislate against the extension of Slavery into free territory, and, as a question of policy, I think it had better be let alone. If our Southern brethren wish to carry their slaves to Oregon, New Mexico, or California, they will be under the necessity of asking a law to warrant it; and it will then be in time for the free States to resist the measure, as I cannot doubt they would, with unwavering firmness."

"I would not needlessly move this question, as it is one of an exciting nature, which tends to sectional division, and may do us harm as a people. I would leave it to the slaveholding States to decide for themselves, and on their own responsibility, when, if ever, the master shall be agitated in Congress. It may be that they will act wisely, and never move at all, especially as it seems pretty generally agreed that neither Oregon, New Mexico, nor California, are well adapted to slave labor. But if our Southern brethren should make the question, we shall have no choice but to meet it; and then, whatever consequences may follow, I trust the people of the free States will give a united voice against allowing Slavery on a single foot of soil where it is not now authorized by law."

"I am, very respectfully, your obedient servant,
"GREENE C. BRONSON.

"To Messrs J. COCHRAN and others, Committee."

It is true that we are not asked to *enact* laws to warrant the holding of slaves in the Territories, but we are called upon to admit that slaves may be rightfully held in the Territories without law. The very question is made in substance, which Judge Bronson said would leave the people of the free States no choice but to meet it, whatever consequences might follow.

So thought Colonel Benton in 1854, when, speaking of the Compromise of 1820, he said that it "was but a continuation of the same national feeling, the same national principles, that dictated the Compromise extending the line to the Territory which was then known as the Louisiana purchase." But, sir, what need of my quoting authorities to prove the power and practice of Congress over the subject of Slavery in the Territories? It is a power that has been exercised by Congress from the adoption of the Constitution down to and including this very Congress. Sir, it is the grasping disposition of the South to extend Slavery into the Territories, and with it to rule the Government in the future, as it has done in the past, that we have to meet; and while I regret the necessity to enter into such a conflict, now that the South has reopened it with renewed bitterness, sectionalism, and violence, I shall not shrink from any responsibility that it may impose upon me in combating it.

Mr. Chairman, having presented such facts as I deem sufficient to establish the power of Congress over the subject of Slavery in the Territories, I proceed to speak briefly of the opinions and testimony of some of the fathers of the Republic, and the ablest and most cherished of our recent statesmen, against the evils of Slavery and its further extension. In 1786, General Washington said:

"I never mean, unless some particular circumstance should compel me to it, to possess another slave by purchase, it being among my first wishes to see some plan adopted by which Slavery in this country may be abolished by law."

Said Jefferson, in his Notes on Virginia:

"The whole commerce between master and slave is a continual exercise of the most unmitting despotism on the one part, and degrading submission on the other. *

With what execration should the statesman be loaded,

who, permitting one-half of the citizens thus to trample on the rights of the other, transforms those into despots and these into enemies, destroys the morals of the one part and the amor patriæ of the other! Can the liberties of a nation be thought secure, when we have renounced their only firm basis—a conviction in the minds of the people that these liberties are the gift of God—that they are not violated but by his wrath? Indeed I tremble for my country when I reflect that God is just, and his justice cannot sleep forever."

In addition to this, I hold in my hand a copy of a letter written by Mr. Jefferson, only six weeks before his death, in which he reiterates all of his former opinions and views on the subject of Slavery, and declares that, "living or dying, they will ever be in my most fervent prayers." I regard this letter as one of the most important and valuable of the papers left by Jefferson. It reads as follows:

"MONTICELLO May 20, 1826

"DEAR SIR: Persuasion, perseverance, and patience, are the best advocates on questions depending upon the will of others. The revolution in public opinion which this case requires is not to be expected in a day, or perhaps in an age; but time, which outlives all things, will outlive this evil also. My sentiments have been forty years before the public. Had I repeated them forty times, they would have only become the more stale and threadbare. Although I shall not live to see them consummated, they will not die with me; but living or dying, they will ever be in my most fervent prayers. This is written for yourself, and not for the public, in compliance with your request for two lines of sentiment on the subject.

"Accept the assurance of my good will and respect.

"THOMAS JEFFERSON.

"Mr. JAMES HEATON, Middletown, Butler Co., Ohio."

In Mr. Webster's celebrated Marshfield speech, in 1848, he said:

"I feel that there is nothing unjust, nothing of which any honest man can complain, if he is intelligent, and I feel that there is nothing of which the civilized world, if they take notice of so humble an individual as myself, will reproach me, when I say, as I said the other day, that I have made up my mind, for one, that under no circumstances will I consent to the extension of the area of Slavery in the United States, or to the further increase of slave representation in the House of Representatives."

And again, in 1850:

"Sir, wherever there is a particular good to be done—wherever there is a foot of land to be staid back from becoming slave territory—I am ready to assert the principle of the exclusion of Slavery."

Said the noble old statesman of Kentucky, Henry Clay, in 1850:

"I have said that I never could vote for it myself; and I repeat, that I never can and never will vote, and no earthly power ever will make me vote, to spread Slavery over territory where it does not exist."

With this declaration of Mr. Clay I take my stand. It was my privilege to be one of his humble but true supporters while living—even when Kentucky and the South forsook him in the National Convention at Philadelphia in 1848; and now that he is dead, I revere his memory, and will defend his illustrious fame.

Mr. Chairman, having spoken of the causes and objects of the Slave Power in the present crisis, and given the action of Congress, the decisions of the courts, and the opinions and views of Jefferson, Webster, Clay, Fillmore, Bronson, and Benton, respecting the power of Congress over the institution of Slavery, and its extension into the Territories, I beg the attention of the Committee for a short time, while I proceed to speak of the results of the acquisition of territory by the United States, and the manner of its disposal:

1. COST OF TERRITORY PURCHASED.

Territory of Louisiana (purchased of France in 1803)	- - -	\$15,000,000
Interest paid	- - -	8,327,353
Florida (purchased of Spain)	- -	5,000,000
Interest paid	- - -	1,430,000
Texas (for boundary)	- - -	10,000,000
Texas (for indemnity)	- - -	10,000,000
Texas (for creditors, last Congress)	-	7,750,000
Indian expenses of all kinds, say	-	5,000,000
To purchase navy, pay troops, &c.	-	5,000,000
All other expenditures	- -	3,000,000
Expense of the Mexican war	-	217,175,575
Soldiers' pensions and bounty lands, &c., say	- - -	15,000,000
Expenses of the Florida war, say	-	100,000,000
Soldiers' pensions, bounty lands, &c., say	- - -	7,000,000
To remove Indians, suppress hostilities, &c., say	- - -	5,000,000
Paid by treaty, for New Mexico	-	15,000,000
Paid to extinguish Indian tittles, say	100,000,000	
Paid to Georgia	- - -	3,082,000
		832,764,928

2. HOW HAS THE PURCHASED TERRITORY BEEN DIVIDED?

From the territory thus purchased and paid for by all the States, five new slave States have been admitted, having the following extent of territory and representation in Congress:

States.	Sq. miles.	Senators.	Reps.
1 Louisiana	- -	41,346	2
2 Missouri	- -	65,037	2
3 Arkansas	- -	52,191	2
4 Florida	- -	59,268	2
5 Texas	- -	325,369	2
Five slave States	543,369	10	16

The free States, if any, are yet to be admitted.

3. EXTENT, POPULATION, AND REPRESENTATION, OF THE FREE AND SLAVE STATES.

Free States.	Sq. miles.	Population.	Sen.	Rep.
1 New York	-	3,048,325	2	33
2 Pennsylvania	47,000	2,258,160	2	25
3 Ohio	-	39,964 1,955,050	2	21
4 Massachusetts	7,250	985,450	2	11
5 Indiana	-	33,809 977,154	2	11
6 Illinois	-	55,409 846,034	2	9
7 Maine	-	35,000 581,813	2	6
8 New Jersey	-	6,851 465,509	2	5
9 Michigan	-	56,243 395,071	2	4
10 Connecticut	4,750	363,099	2	4
11 N. Hampshire	8,030	317,456	2	3
12 Vermont	-	8,000 313,402	2	3
13 Wisconsin	-	53,924 304,756	2	3
14 Iowa	-	50,914 191,881	2	2
15 R. Island	-	1,200 143,875	2	2
Fifteen States	454,344	13,347,035	30	142

(Omitting California, as before.)

Slave States.	Sq. miles.	Population.	Sen.	Rep.
1 Virginia	-	61,352	894,800	2
2 Kentucky	-	37,680	761,413	2
3 Tennessee	-	44,000	756,836	2
4 Missouri	-	65,037	592,004	2
5 N. Carolina	-	45,500	553,028	2
6 Georgia	-	58,000	521,572	2
7 Alabama	-	50,722	426,514	2
8 Maryland	-	11,000	417,943	2
9 Mississippi	-	47,151	295,718	2
10 Louisiana	-	41,346	255,491	2
11 S. Carolina	-	28,000	274,563	2
12 Arkansas	-	52,198	162,189	2
13 Texas	-	325,520	154,034	2
14 Delaware	-	2,120	71,169	2
15 Florida	-	59,268	47,203	2
Fifteen States	928,894	6,184,404	30	90

POPULATION.		
Fifteen free States contain	-	13,347,035
Fifteen slave States contain	-	6,184,404
TERRITORY.		
Fifteen slave States contain	-	928,894
Fifteen free States contain	-	454,344

Difference - - - 474,556

The fifteen slave States have now above five times the extent of territory, according to population, than the free States have. Including slaves and all, they have about three times the territory of the free States, according to population.

Sq. miles.
Nine slave States have been added, containing - - - 722,922
Six free States have been added, containing - - - 290,264
Difference - - - 432,658

I have given the cost of the purchased territories, the disposition of the same, the population of the free and slave States, together with the extent of the entire territory embraced in said States in the Union, omitting California, as she was admitted without cost, and I may say by accident. It is also true, she was admitted as a free State, but her Senators and Representatives soon learned in whose hands the power of this Government is held, and have ever been, politically, the allies of the slave States; California "forms no part of the territory where the struggle for and against the extension of Slavery has been carried on." I now submit a statement of

THE SLAVE POWER.

Slaveholders in each.
Alabama - - - - - 29,295
Arkansas - - - - - 5,999
Delaware - - - - - 809
Florida - - - - - 3,250
Georgia - - - - - 38,456
Kentucky - - - - - 38,385
Louisiana - - - - - 20,670
Maryland - - - - - 16,040
Mississippi - - - - - 23,116

Missouri	-	-	-	-	19,185
North Carolina	-	-	-	-	28,303
South Carolina	-	-	-	-	25,596
Tennessee	-	-	-	-	33,864
Texas	-	-	-	-	7,747
Virginia	-	-	-	-	55,063
Total	-	-	-	-	346,047

"Thus it will be seen that the number of slave-owners, including men, women, and children, is only about three hundred and forty-six thousand, and the free white population over six millions, in the slave States—or only about one in twenty of the white population in the slave States are slave-owners. Yet this small number, by a union of interest, and by the political importance given to Slavery, rule these States absolutely and despotically; the great majority of the people—a majority or nearly *twenty to one*—are never heard of, and have no more power in those States, *politically*, than the slaves its *aristocratic rulers* own! This is truly astonishing! But the condition of the General Government is more so. The free population of the Union is about twenty millions. The slave-owners now number some three hundred and forty-six thousand. For the past sixty-years, their numbers would average from one hundred and fifty to two hundred thousand; yet the General Government is in their hands, and has been for the past fifty years, when the majority against them in the Union is *as sixty to one*; still they hold the power, and the Government is directed and controlled by them, and has been almost ever since it has been in operation. And during all that time, more than *one-half* of all the important offices of the Government—and I believe nearly *two-thirds* of those offices—have been filled by slaveholders, to the exclusion of the great mass of the people of the United States!"

The five purchased slave States of Florida, Texas, Arkansas, Louisiana, and Missouri, contain 543,369 square miles.

The whole fifteen free States contain 454,344 square miles.

The territory added to the slave States, by purchase, is larger than all the fifteen free States, by 89,025 square miles.

This excess is a larger territory than is contained in seven of the free States. *And this was all purchased to extend Slavery*, while the free States admitted have been formed out of territory belonging to the United States when the Government was established, and to which the Ordinance of Jefferson and of Freedom, prohibiting Slavery, was applied by the fathers of the Republic.

REPRESENTATION.

The fifteen free States have 13,000,000 of free white inhabitants, the fifteen slave States 6,000,000, yet each have thirty Senators. True, the small States are entitled to two Senators each, as well as the larger ones; but this number of slave States extended over a large territory, with a small population, makes the disproportioned representation of the two sections in the Senate too palpably unjust. *In Senators, the slave States have, by this system, kept up a representation in the proportion of two to one as against the free States.*

In the House, the slave States have ninety members, representing 6,000,000 of population; the free States one hundred and forty-two members, representing 13,000,000. Upon the same ratio with the slave States, the free States should have *one hundred and ninety-five members—a loss to them of fifty-three* in the popular branch of the Government—that in which the popular voice is to be heard, and the popular will expressed.

South Carolina has *six* Representatives, with a free white population of 274,563.

New Hampshire has *three* Representatives, with a free white population of 317,456.

Vermont has *three* Representatives, with a free white population of 313,402.

Vermont and New Hampshire, with a population of 630,858, have *six* Representatives.

South Carolina has *six* also, with only 274,563 less by 356,295—not one-half as much.

At the ratio of South Carolina representation, these free States should have *fourteen* Representatives, instead of *six*. Is there not a wide difference in the *political rights* of these States?

Three Congressional districts in New York contain a larger free white population than the State of South Carolina; yet this is the State that is going to force Slavery into Kansas—the one that has so often complained of the hardships of remaining one of the United States, and threatened disunion!

Votes of eleven slaveholding States at the election of 1852, when Mr. Pierce was chosen, as contrasted with the vote of New York.

1. Arkansas	-	-	-	-	19,577
2. Delaware	-	-	-	-	12,673
3. Florida	-	-	-	-	7,193
4. Georgia	-	-	-	-	51,365
5. Maryland	-	-	-	-	75,153
6. North Carolina	-	-	-	-	78,861
7. Texas	-	-	-	-	18,547
8. Alabama	-	-	-	-	41,919
9. Louisiana	-	-	-	-	35,902
10. Mississippi	-	-	-	-	44,424
11. Virginia	-	-	-	-	129,545

Aggregate vote of eleven States 515,159

Vote of New York - - - 522,294

Being 7,135 votes more than all the others.

These *eleven* States, (Virginia included,) that gave in 1852 a less vote than New York for President, have *twenty-two* Senators—New York has only *two*!

Slaveholders have political advantages denied to all other men! A man who owns one thousand slaves has the same political power over his slave property as six hundred inhabitants in the free States. His power is superior to that of most of the voters in a town of ordinary size. He has besides, individually, the same political power as the richest man in a free State. This additional right—six hundred strong—is solely in consideration of his owning one thousand slaves as property!

Mr. Chairman it will be seen by the foregoing statements that the cost of territory purchased is \$832,764,928. Out of all this territory purchased, but one free State (Iowa) has been admitted.

Mr. Clay admitted this, in his speech made in the Senate in 1850. (See Appendix to Globe, vol. 22, page 126.) He said:

"What have been the acquisitions made by this country, and to what interests have they conducted? Florida, where Slavery exists, has been introduced. All the most valuable part of Louisiana has also been added to the extent and consideration of the slaveholding portion of the Union."

8

"All Louisiana, with the exception of what lies north of 36° 30'.

"All Texas; all the Territories which have been acquired by the Government, during sixty years of the operation of that Government, have been slave Territories; theatres of Slavery, with the exception I have mentioned, lying north 36° 30'."

Not one inch of territory has ever been purchased or acquired of any foreign Power, since the Constitution was adopted, at the instance of the free States, or which was intended for their benefit.

Yet the free States have paid more than two-thirds of the entire cost of all these acquisitions of territory, and the consequent expenditures since incurred. They have borne their full share in the wars which led to or resulted from these acquisitions, in the expenditure of money, and in the sacrifice of human life.

Mr. Chairman, I have now finished this branch of my remarks, and proceed to consider, during the short time left me, the influences of Slavery, as illustrated by the acts of the bogus Legislature of Kansas, the wrongs and oppression inflicted on the Free State people in Kansas, in this House, and in this city.

Section 13 (page 378) of the laws passed by the Pro-Slavery bogus Legislature of Kansas excludes all but Pro-Slavery men from the jury-box, in all cases relating directly or indirectly to Slavery. Here it is:

"No person who is *conscientiously opposed* to the holding slaves, or who does not admit the right to hold slaves in this Territory, shall be a juror in any cause in which the right to hold any person in slavery is involved, nor in any cause in which any injury done to or committed by any slave is in issue, nor in any criminal proceeding for the violation of any law enacted for the protection of slave property, and for the punishment of crime committed against the right to such property."

Again: The organic law organizing Kansas provides, in section 30, that the official oath to be taken by the Governor and Secretary, the Judges, "and all other civil officers in said Territory," shall be, "to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices." No more, no less. But the legislators of Kansas, with the same disregard of the Congressional law that marked their other acts, enacted another kind of official oath, on page 438 of their code, as follows:

"SEC. 1. All officers elected or appointed under any existing or subsequently-enacted laws of this Territory, shall take and subscribe the following oath of office: 'I, ——, do solemnly swear, upon the holy Evangelists of Almighty God, that I will support the Constitution of the United States, and that I will support and sustain the provisions of an act entitled 'An act to organize the Territories of Nebraska and Kansas,' and the provisions of the law of the United States commonly known as the 'Fugitive Slave Law,' and faithfully and impartially, and to the best of my ability, demean myself in the discharge of my duties in the office of ——, so help me God.'

You cannot fail to notice that, in this new oath, framed by the bogus Legislature, the Fugitive Slave Law is elevated to a "higher law" than the Constitution; for the officer is merely to "support" the latter, but is required to swear that he will "support AND SUSTAIN" the other.

On pages 604 and 605, chapter 151, will be found "An act to punish offences against slave property." It is in violation of the Constitution

of the United States. Section 12 of that chapter reads:

"If any free person, by speaking or by writing, assert or maintain that persons have not the right to hold slaves in this Territory, or shall introduce into this Territory, print, publish, write, circulate, or cause to be introduced into this Territory, any book, paper, magazine, pamphlet, or circular, containing any denial of the right of persons to hold slaves in this Territory—such person shall be deemed guilty of felony, and punished by imprisonment at hard labor for a term of not less than two years."

Again: In violation of the Constitution of the United States, "abridging the freedom of the press," is the 11th section of the same law in the Kansas code, page 605:

"If any person print, write, introduce into, publish, or circulate, or cause to be brought into, printed, written, published, or circulated, or shall knowingly aid or assist in bringing into, printing, publishing, or circulating, within this Territory, any book, paper, pamphlet, magazine, handbill, or circular, containing any statements, arguments, opinion, sentiment, doctrine, advice, or innuendo, calculated to produce a disorderly, dangerous, or rebellious disaffection among the slaves in this Territory, or to induce such slaves to escape from the service of their masters, or to resist their authority—he shall be guilty of felony, and be punished by imprisonment and hard labor for a term not less than five years."

And, under this atrociously unconstitutional provision, a man who "brought into" the Territory of Kansas a copy of "Jefferson's Notes on Virginia," which contains an eloquent and free-spoken condemnation of Slavery, could be convicted by one of "Sheriff Jones's" juries as having introduced a "book" containing a "sentiment" "calculated" to make the slaves "disorderly," and sentenced to five years' hard labor.

On page 325, section 12, of this same law, there is a singular provision:

"If the plaintiff be a negro or mulatto, he is required to prove his right to freedom."

On page 282 is the following:

"Sec. 11. Every free white male citizen of the United States, and every free male Indian who is made a citizen by treaty or otherwise, and over the age of twenty-one years, who shall be an inhabitant of this Territory, and of the county or district in which he offers to vote, and shall have paid a Territorial tax, shall be a qualified elector for all elective offices. And all Indians who are inhabitants of this Territory, and who may have adopted the customs of the white man, and who are liable to pay taxes, shall be deemed citizens: *Provided*, That no soldier, seaman, or marine, in the regular army or navy of the United States, shall be entitled to vote, by reason of being on service therein: *And provided, further*, That no person who shall have been convicted of any violation of any provision of an act of Congress, entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February 12, 1793; or of an act to amend and supplementally to said act, approved 18th September, 1850—whether such conviction were by criminal proceeding or by civil action, for the recovery of any penalty prescribed by either of said acts, in any courts of the United States, or of any State or Territory, of any offence deemed infamous—shall be entitled to vote at any election, or to hold any office in this Territory: *And provided, further*, That if any person offering to vote shall be challenged and required to take an oath or affirmation, to be administered by one of the judges of the election, that he will sustain the provisions of the above-recited acts of Congress, and of the act entitled 'An act to organize the Territories of Nebraska and Kansas,' approved May 30, 1854, and shall refuse to take such oath or affirmation, the vote of such person shall be rejected."

Merely being an "inhabitant," if the person is in favor of the Nebraska bill and of the Fugitive Slave Law, qualifies him as a voter in all the elections of the Territory affecting National or

Territorial politics. The widest possible door is opened for the invaders to come over and carry each successive election as "inhabitants" for the time being of the Territory. But, turn to page 750, and notice the following provision, (section 8,) defining the qualifications of voters at the petty corporation elections of Lecompton:

"All free white male citizens who have arrived to the full age of twenty-one years, and who shall be entitled to vote for Territorial officers, and who shall have resided within the city limits at least six months next preceding any election, and, moreover, who shall have paid a city tax or any city license according to ordinance, shall be eligible to vote at any ward or city election for officers of the city."

Being an inhabitant a day clothes a person with the right to vote for Delegates in Congress and Representatives in the Legislature; but to vote at an insignificant election, in comparison, six months' residence is required! Am I wrong in judging that this inverting the usual rule shows that Missourians are wanted at the one election, but not at the other? If any one deems this opinion unjust, let him study the following sections of the General Election Law, page 283:

"SEC. 19. Whenever any person shall offer to vote, he shall BE PRESUMED to be entitled to vote.

"SEC. 20. Whenever any person offers to vote, his vote may be challenged by one of the judges, or by any voter, and the judges of the election may examine him touching his right to vote; and if so examined, no EVIDENCE TO CONTRADICT SHALL BE RECEIVED."

These provisions explain themselves without comment.

Section 5 of the act punishing offences against slave property, (page 604,) enacts as follows:

"If any person shall aid or assist in enticing, decoying, or persuading, or carrying away, or sending out of this Territory, any slave belonging to another, with intent to procure or effect the freedom of such slave, or with intent to deprive the owner thereof of the services of such slave, he shall be adjudged guilty of grand larceny; and on conviction thereof shall suffer death, or be imprisoned at hard labor for not less than ten years."

Time will not permit me to go further into these Kansas laws, which Senator Clayton declared to be an outrage upon "the rights of the people and the civilization of the age in which we live," while the *Detroit Free Press*, the organ of General Cass, declared:

"But the President should pause long before treating as 'treasonable insurrection' the action of those inhabitants of Kansas who deny the binding authority of the Missouri-Kansas Legislature; for, in our humble opinion, a people that would not be inclined to rebel against the acts of a legislative body forced upon them by fraud and violence, would be unworthy the name of American. If there was ever justifiable cause for popular revolution against a usurping and obnoxious Government, that cause has existed in Kansas."

But, sir, notwithstanding this appeal, the President of the United States has declared, in his special message to Congress, in his proclamation, and in his orders to Governor Shannon and Colonel Sumner, through his Secretary of State and Secretary of War, that this code of Territorial laws shall be enforced by the full exercise of his power. He knows of their provisions. He knows these laws are in violation of the organic law organizing the Territory, which he signed. He knows they are in violation of the Constitution of the United States, which he and we have sworn to support; and

yet, on the 27th of January last, in his special message to Congress, he said:

"Our system affords no justification of revolutionary acts; for the constitutional means of relieving the people of unjust administrations and laws, by a change of public agents and by repeal, ARE AMPLE."

Again: In his speech, as reported in the *Union*, of June 10th, made to the Buchanan ratification meeting, who marched to the White House, he coolly told them:

"There will be, on your part, no appeal to unworthy passions, no inflammatory calls for a second revolution, like those which are occasionally reported as coming from men who have received nothing at the hands of their Government but protection and political blessings, no declaration of resistance to the laws of the land."

But, Mr. Chairman, I will not stop to allude to the "protection and political blessings" which the people of Kansas have received from the "hands of their Government." Let the free citizens, driven from Kansas, with the sound of artillery ringing in their ears, and the light of their burning habitations flashing upon their eyes, as they turned to look back to the homes where they had been forced to leave their wives and children at the mercy of worse than barbarian foes, answer! Let the innocent blood of Dow, Barber, and Brown, and other murdered freemen, that has stained the soil of Kansas, rise up and bear witness against these false charges of the President of the United States!

The Democratic Convention at Cincinnati denounced "treason and armed resistance to these laws" in a marked and special manner. If there was any doubt as to the object of this declaration, the speech of the Senator from Illinois, [Mr. DOUGLAS,] at the ratification meeting in this city, a short time since, removes it. The Washington *Union* of June 10th contained these extracts of that Senator's speech:

"The platform was equally explicit in reference to the disturbances in relation to the Territory of Kansas. It declared treason was to be punished, and resistance to the laws was to be put down. * * *

"He rejoiced that the Convention, by a unanimous vote, had approved of the creed that law must and shall prevail. [Applause.] He rejoiced that we had a standard-bearer [Mr. Buchanan] with so much wisdom and nerve as to enforce a firm and undivided execution of those laws."

This, Mr. Chairman, leaves no room to doubt as to the course of policy to be pursued by the Democratic party towards Kansas. I confess, sir, that on the announcement of the nomination of Mr. Buchanan at Cincinnati, I entertained some hope that he would rise above the party shackles of the day, and use his power and influence in restoring peace and order in Kansas.

But these hopes were of short duration. On the 9th of June last, he made the following speech at Wheatland, which I copy entire from a leading Democratic paper, published at Lancaster, Pennsylvania:

Speech of Mr. Buchanan.

"LANCASTER, PA., June 9, 1856.

"The Keystone Club of Philadelphia, accompanied by Beck's Brass Band, arrived here on Sunday, at 11 o'clock, A. M., and this morning paid a visit to the Hon. James Buchanan, at Wheatland, accompanied by a procession of citizens, to the number of two or three hundred. Upon their arrival at Wheatland, Wm. B. Rankin, Esq., President of the club, was introduced to Mr. Buchanan, and said that on behalf of the Keystone Club, over which he had the honor of presiding, he congratulated him as the

nation's choice, adding, that the work which was but begun, they intended to carry on until victory should crown their efforts. Mr. Buchanan replied as follows:

"GENTLEMEN OF THE KEYSTONE CLUB: I give you a most hearty and warm welcome to my abode. I congratulate you, not upon my nomination, but upon the glorious privilege of being citizens of our great Republic. Your superiority over the people of other countries has been fully demonstrated by the conduct of a vast concourse assembled during the past week at Cincinnati. Upon any similar occasion in Europe, the voluntary expression of the people would have been drowned in martial music, and their actions controlled by an army with banners. How unlike the spectacle at Cincinnati, where delegates from the people of the different States met in convention, under protection of the Constitution and laws, and harmoniously deliberated upon subjects of vital importance to the country. Gentlemen, two weeks since I should have made you a longer speech, but now I have been placed upon a platform, of which I most heartily approve, and that can speak for me. Being the representative of the great Democratic party, and not simply James Buchanan, I must square my conduct according to the platform of that party, and insert no new plank, nor take one from it. That platform is sufficiently broad and national for the whole Democratic party. This glorious party, now more than ever, has demonstrated that it is the true conservative party of the Constitution and of the Union."

"PHILADELPHIA, PA., June 9, P. M.

"The Keystone Club arrived in this city this evening. They were met at West Philadelphia by a deputation of citizens, who, with music, escorted them through the principal streets, the procession increasing in numbers until the ranks numbered 2,000. A salute of fifty guns was fired."

Again: In his speech at Baltimore, on the occasion of his recent public reception in that city, he said:

"We have already reached and almost passed the dangerous crisis on the subject of domestic Slavery. The volcano is nearly exhausted. The material for continued agitation no longer exists. And why? Because I hold it to be quite impossible that any considerable portion of our people can long continue to contest the elementary republican principles recognised in the Territorial legislation of Congress."

Well, sir, here we have him square on the Cincinnati platform; no longer James Buchanan, but merged into and "square" to this platform, which declares: "The American Democracy recognise and adopt the principles contained in the organic laws establishing the Territories of Kansas and Nebraska, as embodying the only sound and safe solution of the Slavery question; that this was the basis of the Compromise of 1850." I have shown what the organic laws establishing these Territories were. I have also shown the violation of them by the bogus Legislature of Kansas, and their approval by the President, and now by the Democratic Cincinnati Convention. I have also shown the declaration and pledge of the Senators and Representatives in Congress in 1850, and its full endorsement by the President, in his first annual message to Congress in 1853. I have also shown the faithlessness in the President and his supporters in adhering to these pledges. I have also shown the repudiation of all these professions and pledges by the President and his supporters; and with this exposé I leave him and them to reflect on their inconsistency and wrong, which he and they have inflicted on the rights of the people and the stability of the institutions of the country.

Mr. Chairman, in passing to the consideration of other topics, I deem it proper to call the attention of the House to the state of affairs in the State of California, and the conduct of the Pres-

ident of the United States in relation to the same. It is as well known as it is disgraceful to the nation, that a state of insubordination and anarchy has existed in that sovereign State for months; and that, instead of the laws of that State, or of the United States, being enforced there, a self-constituted committee has usurped the liberties of the people, set aside the ministers of the law, and taken the administration and the execution of their self-enacted laws into their own hands. The legally-constituted authority of that State, by their Governor, has applied to the President of the United States for aid to enforce the laws, and restore order in California; but the appeal has been denied, and no one can now tell when order and the majesty of the law will again be restored in that unfortunate State. I enter into no speculation as to who is right or wrong for the existing state of things in California, or upon the motives of the President and his advisers, in refusing aid to the constituted authorities of that State, to put down the insurrectionists, and to restore peace and order. But I wish to say that his conduct in this case is very unlike that which he has caused to be enforced on the Free State men in the infant Territory of Kansas, in the execution of the bogus and unconstitutional laws passed by the bogus and illegal Legislature of that Territory.

Mr. Chairman, I now beg the attention of the Committee to the consideration of the

ARROGANCE AND SECTIONAL INFLUENCE OF SLAVERY.

During the long contest, at the commencement of the present session of Congress, for the election of Speaker, a leading and distinguished member from Alabama [Mr. WALKER] proclaimed: "Members from the North seem to think that the reason why the South has had so large a share in our governmental operations, lies in the institution of Slavery. I tell them they are mistaken; it lies behind that institution. It is to be found in the administrative faculty belonging to the early settlers of the South—the Cavaliers and Huguenots—AND WHICH THEIR DESCENDANTS HAVE INHERITED." Well, sir, I rejoice in the boldness of this boast of superiority of birth and blood. I respect and honor the frank expression of one's sentiments, as thus given; but I tell the gentleman that he is mistaken in the true character of the people of the North. True, they have not enjoyed the advantage of experience, that the people of the South have in the governmental affairs of the Government, but this is solely owing to the sectional and aggressive demands of the Slave Power. But, sir, the people of the North will not longer remain under this vain and boasting charge; they intend to demand and expect to receive and take their fair and just proportion of the responsibilities in the administration of this Government. They commenced this policy in the election of Speaker Banks, without, I regret to say, the aid of a single vote from a slave State. Yet such is the power of Slavery, that even Representatives have to bow to its demands and behests, or to go into private life.

If the people of the North are true to themselves, true to the best interests of the country,

true to the Constitution and Union, as I know them to be, they will take the affairs of this Government into their own hands on the 4th of March next; and then the gentleman from Alabama will have an opportunity of witnessing the honor, capacity, and justice, of the people of the North, to administer the affairs of the Government.

I know, Mr. Chairman, that the South sneer at the people of the North, and proclaim that, although they are the descendants of the Puritans of Plymouth Rock, and admit that the sods of Lexington, and Concord, and Bunker Hill, and Saratoga, and Monmouth, and Trenton, and Valley Forge, are their forefathers' sepulchres, in fighting the battles and in achieving the liberties of the country, yet they are only considered an industrious and money-making people, disqualified for administrative positions—fit subjects, I suppose they think, to be the hewers of wood and the drawers of water for the South.

Again: The honorable gentleman from Alabama continues: "Why, sir, I might ask, What great sentiment, what great governmental principle, originated at the North?" I answer the gentleman's question with great pleasure and satisfaction. The great "sentiment" of the North is FREEDOM, and their "governmental principle" PROGRESS. With these principles she started in the great race on this Continent. In the very year the Pilgrim Fathers landed on Plymouth Rock, slaves landed in Virginia; and, in the language of the eloquent gentleman from Massachusetts, "Freedom has gone on, trampling down barbarism, and planting States—building the symbols of its faith by every lake, and every river, until now the sons of the Pilgrims stand by the shores of Pacific. Slavery has also made its way toward the setting sun. It has reached the Rio Grande on the South; and the groans of its victims, and the clank of its chains, may be heard, as it slowly ascends the western tributaries of the Mississippi river. Freedom has left the land bespangled with free schools, and filled the whole heavens with the shining towers of religion and civilization. Slavery has left desolation, ignorance, and death, in its path. When we look at these things; when we see what the country would have been, had Freedom been given to the Territories; when we think what it would have been but for this blight in the bosom of the country; that the whole South—that fair land God has blessed so much—would have been covered with cities, and villages, and railroads, and that in the country, in the place of twenty-five millions of people, thirty-five millions would have hailed the rising morn, exulting in Republican Liberty—when we think of these things, how must every honest man, how must every man with brains in his head or heart in his bosom, regret that the policy of old Virginia, in her better days, did not become the animating policy of this expanding Republic!"

FREEDOM AND PROGRESS.

Sir, that develops the material resources of the country; that builds railroads and canals; that protects and respects the labor of every citizen of the country; that protects the rights of every

American citizen, at home and abroad; that encourages commerce, that twin-sister of civilization, that encourages emigration; that contributes "labor, capital, art, valor, and enterprise, to perfect and embellish our ever-widening empire." These sir, are the aims and trophies of Freedom and Progress. Now, sir, may I not ask, What are the aims and trophies of the institution of Slavery? *Is it not sectional and aggressive? Is it not a cruel, relentless tyranny?* Does it not legalize "CHATTEL SLAVERY"—that "execrable commerce," as Jefferson called it, "that makes merchandise of immortality; that smites the earth with barrenness; that blasts the human intellect, and blights the human heart; that maddens the human brain, and crushes the human soul; that crime which puts out the light and hushes the sweet voices of home, shatters its altars and scatters darkness and desolation over its hearth-stone; that system which recognises the tearing away of joyful children from their mothers' arms, and selling them into eternal exile, without having anything to say in the premises; that system which dooms men to live without knowledge, to toil without reward, to die without hope; that system which sends little children to the shambles;" and, let me add, that system, which custom sanctions, of fathers selling their own children into Slavery.

Mr. Chairman, in conclusion, I charge that Slavery is not only sectional and aggressive, but that its social influence is corrupt and dangerous to the best interests of the community in which it exists. Why, sir, I have but to call the attention of the Committee to what has transpired in this House and in this city, since the commencement of the present session of Congress, to establish these charges to the conviction of every candid and impartial mind. In this House there are three political parties—Democratic, Republican, and American. At the Congressional caucus of the Democratic party, a resolution was adopted, denouncing the American party, and proclaiming its adherence to the Kansas and Nebraska act. Well, sir, you and this House, and the country, know the long and bitter struggle that ensued, before the election of a Speaker; the denunciations that were uttered by the Democrats against the Americans as well as the Republicans; and yet, sir, notwithstanding all this, and the further consideration, too, that many members of the American party South were Anti-Nebraska men, and some of them opponents of it in the last Congress, yet, on the final vote, every member of that party present from the South voted for the Democratic nominee, except two members, [Mr. CULLEN and Mr. DAVIS,] who voted for the American candidate. Why, sir, let me ask, was this sectional vote given? Was it not in consequence of the sectionalism of Slavery?

Again: When the telegraph wires, day after day, brought the tidings of the invasion of Kansas by the border ruffians from the State of Missouri, and the reign of anarchy and civil war in the Territory of Kansas, a proposition was introduced by the gentleman from Indiana, [Mr. DUNN,] appointing a committee from this House to go to Kansas and investigate the alleged frauds in that Territory. Well, sir, on this fair,

just, and peaceful proposition—a proposition, in my opinion, that saved the lives and property of hundreds and thousands of the people of that unfortunate Territory—not a man voted for it from a slave State.

Again: When the gentleman from Maine [Mr. KNOWLTON] offered a resolution of inquiry respecting the murder of Thomas Keating, the Irish waiter at Willard's, by Mr. HERBERT, a member of this House, every member from the slave States, except one, voted against it, as did every member present of the Democratic party, except two, [Mr. KELLY and Mr. WILLIAMS.] Yeas 70, nays 79, was the vote.

Is Slavery not sectional and aggressive? Or is the murder of a poor Irish waiter not worth investigating?

Again: On the vote admitting Mr. ARCHER, of Illinois, to his seat, on the report of the Committee on Elections, every member present and voting from the slave States voted against his admission. ARCHER is an American Republican.

Again: On the vote to expel the Hon. PRESTON S. BROOKS, and to censure the Hon. LAWRENCE M. KEITT, members of this House from the State of South Carolina, for the brutal and murderous assault on the Hon. CHARLES SUMNER, a Senator from the State of Massachusetts, for words spoken in debate, in the Senate of the United States, and in reply to Senator BUTLER, of South Carolina, and of the institution of human Slavery in the slave States, and not for any act done or word spoken by that Senator, to or reflecting on either of the members referred to above, and which assault was proved to have well-nigh destroyed that Senator's life, every member present and voting from the slave States, except one in each case, voted against expelling Brooks and censuring Keitt.

Well, sir, this is not all of this case. The member from South Carolina [Mr. Brooks] has since said to this House:

"I went to work very deliberately, as I am charged—and this is admitted—and speculated somewhat as to whether I should employ a horse-whip or cowhide; but, knowing that the Senator was my superior in strength, it occurred to me that he might wrest it from my hand, and then—for I never attempt anything I do not perform—I might have been compelled to do that which I would have regretted the balance of my natural life."

Now, sir, without some further explanations, there might be some doubt as to what the member refers to in saying, "I might have been compelled to do that which I would have regretted the balance of my natural life." I am credibly informed as to what he did mean; and it is this, as stated by that member to the honorable gentleman from Massachusetts, [Mr. DE WITT:] that if Senator SUMNER had made an apparent successful defence, he would have *shot him DEAD!* And for the crime and damage of this unexampled assault in the history of our country, Judge Crawford, of the Criminal Court of the District of Columbia, fined the member from South Carolina the enormous sum of \$300!

Is there no power and influence of the sectionalism of Slavery in this?

Again: On the bill introduced by the gentleman from Indiana [Mr. DUNN] for restoring the "Missouri Compromise act," and for liberating

the Free State men in Kansas from their unlawful imprisonment, and for reorganizing the Territorial Government of Kansas, every Representative present and voting from the slave States voted against it.

Again: On the report of the Committee on Elections against the right of Whitfield, the Delegate from Kansas, to his seat, on proof of the most reliable and unquestioned character, every Representative present and voting from the slave States voted in his favor. I make no comments on this extraordinary and sectional vote, but refer you, to the testimony and report of your committee sent to Kansas to investigate this and other cases of fraud.

This, Mr. Chairman, brings me down to the consideration of

THE SOCIAL INFLUENCE OF SLAVERY, AND ITS CORRUPT AND DANGEROUS INFLUENCE TO THE COMMUNITY WHERE IT EXISTS.

Soon after the commencement of the present session of Congress, and before the election of Speaker, a member of this House [Mr. RUST] assaulted and beat Horace Greeley with a cane. A few days later, another member of this House [ex-Governor SMITH, of Virginia] had a street fight with the editor of the *Star*, (Mr. Wallach.) Next in order is the murder of Keating by a member of this House, [Mr. HERBERT,] and the assault of SUMNER by Messrs. BROOKS and KEITT, of which I have heretofore spoken.

TRIAL OF HERBERT FOR THE MURDER OF KEATING.

Mr. Chairman, I have but a few words more to say on these to me unpleasant subjects. But duty, as well as humanity, demands that something should be said respecting the murder of Thomas Keating, the Irish waiter at Willard's Hotel, by the member from California, [Mr. HERBERT,] and the extraordinary circumstances and facts connected with the action of Judge Crawford, District Attorney Key, and Marshal Hoover, concerning the same.

The murder was committed in the city of the capital of the nation, by a Representative of the American Congress, and under circumstances that has caused the attention of every citizen of the country to it, and the eyes of the civilized world upon it, in consequence of the place where it occurred, and the official position of the man who perpetrated the act.

The magistrates who made the preliminary examination of the killing of Keating issued a warrant to commit Herbert to await his trial for murder. Judge Crawford admitted him to bail. The District Attorney, Mr. Key, did not attend the first examination before Judge Crawford, or make any effort to resist Herbert's application for the privilege of being admitted to bail. On the morning when Judge Crawford made his order admitting Herbert to bail, the District Attorney was present, but said nothing.

Mr. Chairman, it is well known that the District Attorney, Mr. Key, is a warm personal, political, and bosom friend of Mr. Herbert; that he refused to allow the friends of Keating to employ any associate counsel to aid in the trial, until the day before the commencement of the first trial;

that he then said to the friends of Keating that he would make application to the court for a postponement of the trial for one day, to enable them to procure an associate counsel to aid him on the trial, but that he omitted to make the application to the court. On the trial of the case, the District Attorney abandoned the charge of murder, and only asked a conviction for manslaughter. It was under the legal advice and direction of this same District Attorney that the grand jurors found an indictment for murder. The motive for this particular form of indictment may not be certain, but its effect and consequences were unmistakable. The indictment being for murder, gave the defendant the right of peremptorily challenging thirty-six jurors. The power to set aside that number without assigning any reason, in connection with the character of the whole body of the jurors summoned in by the Marshal, really gave to the member from California [Mr. HERBERT] the selection of the jury who were to decide upon his fate. *Did the District Attorney foresee, or did he intend, precisely this result?*

It is further said that Marshal Hoover, who has power to summon jurors at discretion for the Criminal Court of this District, is also a devoted personal and political friend, and heretofore a frequent visiter, of the member from California. It is further charged, that the *bail* of Herbert, before his indictment for the murder of Keating, is a brother of Postmaster Berret, of the city post office, and an officer or subordinate in one of the Departments.

It is further charged, that the member from California [Mr. HERBERT] is a friend of the Administration; that he was a delegate to the National Democratic Cincinnati Convention; that District Attorney Key, Marshal Hoover, and Mr. Berret, received their respective offices by appointments from the President and his Administration.

Well, sir, on submitting the charge to the jury, on the first trial, Judge Crawford, at the instance and request of the counsel of the prisoner, laid down the following principle of law for the guidance of the jury, namely:

"Mr. Bradley asked the Court to instruct the jury upon the points of law, and Mr. Walker immediately rose with a set of instructions framed by the defence, which he asked should be given to the jury. These Mr. Walker proceeded to read, and then passed them up to Judge Crawford, who promptly reported them to the jury as the instructions of the Court.

"These instructions are as follows:

"1st. If a sudden affray arose between the accused and the deceased, and afterwards several other persons interfered to assist the deceased, and by these assailants the defendant was borne down and beaten, and had reason to believe that he was in imminent danger of great bodily harm, from which he could not safely escape, and while in this position fired the pistol by which the deceased was killed, it was in judgment of law a case of excusable homicide, and it is immaterial, in the absence of premeditation and malice, by whom the affray was commenced. And it is also not material that the accused might have escaped before the imminent peril came upon him, if at the time the peril came he had reason to believe himself in imminent peril of life, or of great bodily harm, and when he fired the pistol he could not safely escape."

"2. To have authorized Herbert to take the life of Keating, the necessity for doing so need not be *actual*; for if the circumstances were such as to impress his (Herbert's) mind with the reasonable belief that such necessity was impending, it is sufficient.

"3d. If the jury believe, from the evidence, that at the time the pistol was discharged Herbert was being pressed by superior numbers, and was in danger of death or of serious bodily harm, and from which he could not safely escape, he was justified in taking life.

"4th. If the jury entertain reasonable doubts as to any material fact necessary to make out the case for the Government, they must give the benefit to the defendant."

Well, Mr. Chairman, I am no lawyer; but if this is law in the Criminal Court in the city of Washington, I do not consider it justice, and I intend, the first opportunity that offers, to offer a resolution which I have drawn up, directing the Judiciary Committee to bring in a bill, before the end of this session, to reorganize or abolish the Criminal Court in the District of Columbia.

The result of the first trial was a disagreement of the jury, and a second trial has since been had, at which I am reliably informed that jurors were sworn and served, who stated to the Court that they had "formed and had expressed and still entertained opinions respecting the guilt or innocence of the accused." This jury acquitted the member from California, as might be expected they would, after such acts of the Court. This ends my brief history of this most extraordinary trial. In passing, Mr. Chairman I beg to say a word or two to the people of Washington. If such acts of violence and such decisions of courts and verdicts of juries are to be continued, the day is not far distant when a removal of the capital of this nation will be demanded and consummated by the people of the United States.

Again: Even in the State of old Virginia, the mother of Presidents, two citizens—Mr. Underwood and his associate delegate to the National Republican Convention, held in Philadelphia on the 17th of June last—have been compelled to flee from that State, to avoid acts of violence upon them, for no other reason, than I have heard given, than for simply attending said Convention, and giving utterance to their sentiments on the political topics of the day. And yet, sir, public meetings have been held in that State, and resolutions adopted, giving notice to these gentlemen that they must leave the State. I need not say more; the facts are recent, and are before the country.

Again, sir: We hear of and see letters from some of the most leading and controlling men in the slave States—men who have heretofore been Whigs or Americans—coming out in favor of the election of James Buchanan for the Presidency. Among the most recent are Senators Pratt and Pearce, of Maryland, both heretofore leading Whigs; and to-night, sir, we have heard from the lips of the distinguished member from Alabama, [Mr. WALKER] that he, too, follows in the train of the supporters of Buchanan, and for the same principal reasons assigned by the Senators from Maryland, namely, *the safety of the institution of Slavery in the hands of the Democratic party*: a gentleman, allow me to say, who, as it is well known, has heretofore acted with and been a member of the American party; and he has told us to-night that he was a delegate to the National American Convention that nominated Fillmore and Donelson. Yes, Mr. Chairman, I well recollect of the prominent part that gentleman took in that Con-

vention, and of the fact of his being a prominent candidate, and warmly supported by delegates in that Convention, for the nomination of Vice President; a gentleman, let me add, who has recently distinguished himself as the counsel of the member from California, [Mr. HERBERT,] on the trial of that member for the murder of Thomas Keating, the Irish waiter at Willard's Hotel, to which I have heretofore referred. Well, sir, he has gone, and is now in the full embrace of the Democratic party.

Is there no sectional influence in the institution of HUMAN SLAVERY?

THE REMEDY.

THE REMEDY for the present unhappy state of affairs existing between the different sections of the country is in a return to the principles of the early fathers of the Republic, in the admission of Kansas as a free State, for which we have precedents in the admission of Michigan and California, for which we have the approval of Judge McLean, who said in his letter to Chief Justice Hornblower, of New Jersey, on the 6th June last, "I have no hesitation in saying that the immediate admission of Kansas as a State into the Union, under the Constitution already formed, commends itself to me as a measure of sound policy, and well calculated to bring peace to the Territory and to the country."

Or, sir, if the Senate will pass the bill sent to it, restoring the Missouri restriction, which protects the Territory to Freedom north of 36° 30' north latitude forever, and liberates the freemen in Kansas that are unlawfully imprisoned there, and provides for the reorganization of the Territory until it is admitted into the Union as a State. Are not these just, reasonable, and easy remedies—the true ones to restore peace and tranquillity in Kansas and throughout the country?

THE ISSUE.

Kansas never should and never can be admitted as a slave State. The South should not attempt to increase the evils that are upon us, and delay action in the vain hope of success. The great question now is, the extension or non-ex-

tension of Slavery into free territory. On this question there are but two parties—those who are for it, and those who are against it. It is the great question before which all others sink into insignificance. It is not an unimportant question of the day, but it concerns the stability of the Union, the preservation of the Constitution—that instrument of universal Freedom, contemplated as such by its framers, and interpreted as such by all men, South and North, until within a few years past. It has ever been considered a chart of Freedom, established to secure this boon; giving liberty to the States to do what they think to be proper within their own limits, as to them shall seem to be right and just, but claiming no right and conceding no right to others to carry their own peculiar institutions beyond the limitations conferred by the sovereignty of the States. The North asks for nothing more—they cannot and will not consent to anything less.

How momentous the issue! How just and righteous the cause! How certain the result, if the friends of Freedom stand firm, as I have no doubt they will. Let the friends, then, of Free Kansas plant themselves firmly and unitedly on the old Jeffersonian platform of LIBERTY, the CONSTITUTION, the UNION, the SOVEREIGNTY of the STATES, and their full and undisturbed RESERVE RIGHTS. It is on this platform that I plant myself in the approaching Presidential contest. I am for the fullest and amplest justice to the South, and claim the same for the North. Parties with me are nothing, compared with duty. Yet I know full well that it requires some effort to break loose from our party associations; but I trust, where duty points the way, we shall be found willing followers. For one, I know no party so dear to me as my country, no obligation so binding but to put forth all the energy, strength, and power, that God has given me, to preserve it. If we but do this, when the evening of life is upon us—and it will soon overtake us all—and the sands of this life fast washing away, it will be a consoling thought to be able to cast our memories back to the part we took in this crisis of our country's cause!

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